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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 O. Z. MARTIN,

11 Plaintiff,

No. CIV S-05-0934 FCD EFB P

12 vs.

13 EDWARD ALAMEIDA, et al.,

14 Defendants.

ORDER

15 _____/
16 On November 21, 2006, plaintiff requested the Clerk of the Court to enter defendant
17 Leftwich's default.

18 Federal Rule of Civil Procedure 55 states:

19 When a party against whom a judgment for affirmative relief is sought has failed
20 to plead or otherwise defend as provided by these rules and that fact is made to
appear by affidavit or otherwise, the clerk shall enter the party's default.

21 A party who is personally served with process has 20 days from the date the request for waiver
22 was sent to serve an answer. Fed. R. Civ. P. 12(a)(1)(A). The United States Marshall personally
23 served process on defendant Leftwich on June 16, 2006. He has not responded to the complaint.

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1 Accordingly, the Clerk of the Court shall enter the default of defendant Leftwich.

2 So ordered.

3 Dated: April 12, 2007.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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